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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,254	03/25/2005	Takemasa Yasukawa	PTGF-03064US	4009
21254	7590	09/08/2006		EXAMINER
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817				KEBEDE, BROOK
			ART UNIT	PAPER NUMBER
				2823

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/529,254	YASUKAWA ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Brook Kebede	2823

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 March 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 11-15 is/are allowed.
- 6) Claim(s) 1-4 and 8-10 is/are rejected.
- 7) Claim(s) 5-7 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/25/05;1/25/06;6/28/06</u> .                                 | 6) <input type="checkbox"/> Other: _____ .                        |

**DETAILED ACTION**

***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Claim Objections***

2. Claims 9 and 10 are objected to because of the following informalities:

Claim 9 recites the limitation “is (are)” in line 4. However, the recited claim is somehow confusing.

Claim 10 recites the limitation “is (are)” in line 3. However, the recited claim is somehow confusing. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 rejected under 35 U.S.C. 102(b) as being anticipated by Shimizu et al. (US 6,069,440).

Re claim 1, Shimizu et al. disclose a white light emitting device (see Figs. 1 and 2), comprising: a light emitting element having a peak wavelength of 500 nm or less (see Figs. 18B, 18C and 23) (Col. 11, lines 5-20) a first phosphor absorbing a light emitted from the light emitting element and emitting a light having a yellow wavelength different from a wavelength of the light absorbed; and a second phosphor having an emission wavelength different from at

least that of the first phosphor (see Figs. 1-26 and related text in col. 8, line 32 – Col. 30, line 63) .

Re claim 2, as applied to claim 1 above, Shimizu et al. disclose all the claimed limitations including wherein: the emission wavelength is a peak wavelength of 400 nm or less (see Figs. 1-26 and related text in col. 8, line 32 – Col. 30, line 63) .

Re claim 3, as applied to claim 1 above, Shimizu et al. disclose all the claimed limitations including wherein: the second phosphor includes one or more of phosphors having blue through red emission wavelengths (see Figs. 1-26 and related text in col. 8, line 32 – Col. 30, line 63) .

Re claim 4, as applied to claim 1 above, Shimizu et al. disclose all the claimed limitations including wherein the second phosphor includes any or all of phosphors emitting a blue light, a red light, and a green light, respectively (see Figs. 1-26 and related text in col. 8, line 32 – Col. 30, line 63) .

Re claim 8, as applied to claim 1 above, Shimizu et al. disclose all the claimed limitations including wherein: the red, green, blue and/or yellow phosphor(s) is (are) mixed into a covering member covering the light emitting element (see Figs. 1-26 and related text in col. 8, line 32 – Col. 30, line 63) .

Re claim 9, as applied to claim 8 above, Shimizu et al. disclose all the claimed limitations including wherein: the red, green, blue and/or yellow phosphor(s) to be mixed into the covering member is mixed into at the vicinity of the light emitting element in a high density condition. (see Figs. 1-26 and related text in col. 8, line 32 – Col. 30, line 63) .

Re claim 10, as applied to claim 8 above, Shimizu et al. disclose all the claimed limitations including wherein: the red, green, blue and/or yellow phosphor(s) is (are) further mixed also in an insulative adhesive material for fixing the light emitting element to a lead frame (see Figs. 1-26 and related text in col. 8, line 32 – Col. 30, line 63).

***Allowable Subject Matter***

5. Claims 11-15 are allowed over prior art of record.
6. Claims 5-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure Soules et al. (US 6,252,254) also disclose similar inventive subject matter.

***Correspondence***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brook Kebede whose telephone number is (571) 272-1862. The examiner can normally be reached on 8-5 Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Smith can be reached on (571) 272-1907. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Brook Kebede*  
Brook Kebede  
Primary Examiner  
Art Unit 2823

BK  
September 5, 2006